



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1804
Examiner: Suzanne E. Ziska, Ph.D.

#13
9/9/96

In re PATENT APPLICATION of:

Applicants : Christopher R. BEBBINGTON et al.)
Application No.: 08/376,380)
Filed : January 23, 1995)
For : RECOMBINANT DNA METHODS,)
VECTORS AND HOST CELLS)
Attorney Docket: CARPR 0030C1)

REQUEST FOR
RECONSIDERATION
PURSUANT TO 37
CFR § 1.181(c)

August 28, 1996

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.181(c), Applicants respectfully request the Commissioner to reconsider and reverse the decision dated August 13, 1996 denying a Request for suspension of action under 37 C.F.R. § 1.103(a). In accordance with the Manual of Patent Examining Procedure, Section 1004 (sixth ed, rev. 1, 1995), Applicants respectfully request that this matter be reconsidered by the Primary Examiner, to whom the Commissioner has delegated personal responsibility for this matter.

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A Petition pursuant to 37 C.F.R. § 1.103(a) was filed in the United States Patent and Trademark Office on July 2, 1996, requesting a six (6) months suspension of action to allow related application No. 08/302,241 to proceed to issue, following which claims in the above-identified application would be appropriately amended. The only issue outstanding

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in application No. 08/302,241 is filing a Terminal Disclaimer to obviate an obviousness-type double patenting rejection, the sole rejection. There is every indication that a Notice of Allowance will issue in related application No. 08/302,241 before about October 1, 1996.

The decision dated August 13, 1996 states that

"Even with a favorable determination to applicants in the related application, further prosecution would likely be necessary in this application."

Assuming arguendo the quoted statement is true, that is not a reason to deny the Request for suspension. The purpose of the suspension is to simplify the issues in the above-identified application prior to the next Official Action. Simplifying the issues will save both the U.S. Patent and Trademark Office and Applicants time and (therefore) expense. Applicants respectfully submit that their Request for suspension of action was entirely proper and appropriate.

For the reasons discussed, Applicants respectfully request the Commissioner to review and reverse the decision dated August 13, 1996, and to grant their Request for suspension of action for six (6) months.

Respectfully submitted,



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